

REMARKS

Status of the Claims

Claims 1-5, 7, 8, 10, 17-22, 24, 25, 27 and 34 are pending. Claims 6, 9, 11-16, 23, 26 and 28-33 are cancelled without prejudice or disclaimer. Claims 1 and 18 are amended. Support for the amendments can be found throughout the specification as originally filed.

Applicant thanks the Examiner for acknowledging that claims 13 and 16 are allowable. Please note that the claims have been amended to incorporate the limitations of claims 13 and 16 into the independent claims.

Rejection Under 35 U.S.C. §112, first paragraph (Enablement)

At pages 3-5 of the Office Action, claims 11, 12, 14, 15, 28 and 29 are rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement.

These claims have been cancelled, thereby obviating this rejection.

Rejection Under 35 U.S.C. §112, first paragraph (Written Description)

Claims 1-12, 14-15, 17-29, 31, 32 and 34 are rejected at pages 5-7 of the Office Action as allegedly lacking written description under 35 U.S.C. §112, first paragraph.

The claims have been amended to recite that the antibody or antigen-binding fragment thereof comprises six complementarity-determining regions of the monoclonal antibody produced by the hybridoma deposited under ATCC Accession No. HB-12549 or which comprises six complementarity-determining regions of the monoclonal antibody produced by the hybridoma deposited under ATCC Accession No. HB-12550. The amendment incorporates limitations of claims 13 and 16 which are not rejected. Therefore, the amendments to the claims obviate this rejection.

Applicant respectfully requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. §102 (Anticipation)

At pages 8 and 9 of the Office Action, claims 1-4, 6, 7, 18-21, 23 and 24 are rejected under 35 U.S.C. §102 as allegedly anticipated by Frade et al. (J Clin. Invest. (1997) 100(3):497-502).

The claims have been amended to recite that the antibody or antigen-binding fragment thereof comprises six complementarity-determining regions of the monoclonal antibody produced by the hybridoma deposited under ATCC Accession No. HB-12549 or which comprises six complementarity-determining regions of the monoclonal antibody produced by the hybridoma deposited under ATCC Accession No. HB-12550. The amendment incorporates limitations of claims 13 and 16 which are not rejected. Therefore, the amendments to the claims obviate this rejection.

Applicant respectfully requests that this rejection be withdrawn.

At pages 9 and 10 of the Office Action, claims 1-8, 17-25, and 34 are rejected under 35 U.S.C. §102 as allegedly anticipated by Lind et al. (U.S. Patent No. 6,084,075).

As indicated above, the claims have been amended to incorporate the limitations of claims 13 and 16. Claims 13 and 16 are not subject to this rejection and therefore, the amendments to the claims obviate this rejection.

Applicant respectfully requests that this rejection be withdrawn.

Rejection Under 35 U.S.C. §103 (Obviousness)

At pages 10-15 of the Office Action, claims 1, 9, 10, 17, 18, 26, 27, and 34 are rejected under 35 U.S.C. §103 as allegedly unpatentable over Lind et al. (*supra*) in view of Kucherlapati et al. (U.S. Patent No. 6,075,181) and Queen et al. (U.S. Patent No. 5,585,089).

As indicated above, the claims have been amended to incorporate the limitations of claims 13 and 16. Claims 13 and 16 are not subject to this rejection and therefore, the amendments to the claims obviate this rejection.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103.

CONCLUSION

For at least the reasons set forth above, applicants submit that all grounds for rejection have been overcome and that all claims are now in condition for allowance, which action is respectfully requested.

A Petition for Extension of Time and the required fee are being submitted concurrently herewith on the Electronic Filing System (EFS). Please apply any other charges or credits to deposit account no. 50/2762, referencing Attorney Docket No. M2051-701421.

Respectfully submitted,

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